

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RAYMOND WALTON,

Plaintiff,

vs.

T. VO, M.D., et al.,

Defendants.

CIV F 05 0219 AWI SMS P

THIRD ORDER TO SUBMIT NEW
APPLICATION TO PROCEED IN
FORMA PAUPERIS AND CERTIFIED
COPY OF TRUST ACCOUNT
STATEMENT **OR** PAY FILING FEE

CLERK ORDERED TO SERVE
PLAINTIFF WITH TWO COPIES OF
THIS ORDER TOGETHER WITH A
BLANK APPLICATION TO PROCEED
IN FORMA PAUPERIS

Plaintiff is a state prisoner proceeding pro se in a civil rights action pursuant to 42 U.S.C. § 1983. On March 22, 2005 and May 11, 2005 the court ordered plaintiff to submit an application to proceed in forma pauperis or pay the \$250.00 filing fee.¹ On March 30, 2005, April 11, 2005 and June 1, 2005, plaintiff responded to the court's orders. However, plaintiff's applications to proceed in forma pauperis did not include the required original signature by an authorized officer of the institution of incarceration, nor does plaintiff's statement of June 1, 2005, provide the court with the necessary information required. See 28 U.S.C. § 1915.

Plaintiff will be provided a THIRD opportunity to comply with the court's order to submit a new application to proceed in forma pauperis and a certified copy of his trust account

¹ Effective February 7, 2005, the statutory filing fee for all civil actions except applications for writs of habeas corpus is \$250.00. 28 U.S.C. § 1914(a).

statement, **or** to pay the \$250.00 filing fee.

As indicated in its prior orders, it is ultimately plaintiff's responsibility to comply with the court's order by following institutional procedures or otherwise assuring that the court receives the required documents or the filing fee. Plaintiff is directed to provide a copy of this order to the prison trust office. Contrary to Plaintiff's belief, the court does not supply the trust accounting department with the required documents or correspond with the prison regarding Plaintiff's case in anyway. It is the Plaintiff's responsibility to complete the forms and obtain the necessary certification and documentation. Should Plaintiff have difficulty in obtaining the necessary certifications and documentation, he should supply the prison trust office with a copy of this Order along with a completed Application to Proceed In forma Pauperis.

Accordingly, IT IS HEREBY ORDERED that:

1. The Clerk's Office SHALL send to plaintiff the form for application to proceed in forma pauperis, and two copies of this order. Plaintiff is to provide one copy to the prison trust office.

2. Within thirty days of the date of service of this order, plaintiff shall submit a completed application to proceed in forma pauperis and an original certified copy of his prison trust account statement for the six month period immediately preceding the filing of the complaint, or in the alternative, pay the \$250.00 filing fee for this action.

Plaintiff is forewarned that his failure to comply with this order will result in a recommendation that this action be dismissed.

IT IS SO ORDERED.

Dated: June 13, 2005
b6edp0

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE